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10 UNITED STATES DISTRICT COURT
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12 NORTHERN DISTRICT OF CALIFORNIA
13
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,) CR No.: 3:08-70096 MEJ
16 Plaintiff,)
17 v.) STIPULATION AND [PROPOSED]
18) ORDER EXCLUDING TIME
19 Defendant.)
20

21 On February 21, 2008, defendant was charged in a criminal complaint. On February 25,
22 2008, defendant was arraigned on the complaint and entered a plea of not guilty. On April 24,
23 2008, both parties appeared to set a date for a preliminary hearing. At the appearance on April
24 2008, both parties requested, and the Court agreed, to set the preliminary hearing for May 9,
25 2008. The parties further stipulated and, defendant specifically consented, that, pursuant to
26 Federal Rule of Criminal Procedure 5.1(d), the time limits set forth in Rule 5.1(c) be excluded
27 from April 24, 2008, to and including May 9, 2008. This Court accordingly agreed to extend
28 the time for a preliminary hearing, taking into account the public interest in the prompt

1 disposition of criminal cases. Fed. R. Crim. P. 5.1(d). The parties agree that – taking into
 2 account the public interest in prompt disposition of criminal cases – good cause exists for this
 3 extension. Defense counsel continues to review the computer evidence seized in this case. The
 4 parties agree that granting the continuance is necessary for effective preparation of defense
 5 counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv).
 6 The parties also agreed that the ends of justice served by granting such a continuance outweighs
 7 the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §
 8 3161(h)(8)(A).

9 IT IS SO STIPULATED:

10 JOSEPH P. RUSSONIELLO
 11 United States Attorney

12 DATED: April 25, 2008

13 \s\
 14 ALLISON MARSTON DANNER
 Assistant United States Attorney

15 DATED: April 25, 2008

16 \s\
 STEVEN G. KALAR
 Attorney for Timothy Craig

17 For the reasons stated above, the Court finds that exclusion of time from April 24, 2008
 18 through May 9, 2008 is warranted and that the ends of justice served by the continuance
 19 outweigh the best interests of the public and the defendant in a speedy trial and prompt
 20 disposition of criminal cases. *See* 18 U.S.C. §3161 (h)(8)(A); Fed. R. Crim. P. 5.1(d). Failure
 21 to grant the requested continuances would deny defendant reasonable time necessary for
 22 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C.
 23 §3161(h)(8)(B)(iv).

24
 25 IT IS SO ORDERED.
 26 DATED: April 28, 2008

27 
 28 THE HON. JAMES LARSON
 Chief United States Magistrate Judge